

June 29, 2022

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SHERROD, TEED, VANDERHAGEN and WARE,

Plaintiffs,

-v-

Case No. 17-10164

VNA and LAN,

Defendants.

/

JURY TRIAL

BEFORE THE HONORABLE JUDITH E. LEVY  
UNITED STATES DISTRICT JUDGE

JUNE 29, 2022

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TRANSCRIPT:

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P R O C E E D I N G S

THE CLERK: Calling Sherrod, Teed, Vanderhagen, and Ware vs VNA and LAN.

MR. STERN: Good morning, Your Honor. Corey Stern and Moshe Maimon for the plaintiffs.

THE COURT: Thank you.

MR. STEIN: Good morning, Your Honor. Daniel Stein and Jim Campbell for VNA.

THE COURT: Thank you.

MR. MASON: And Wayne Mason and Phil Erickson for LAN.

THE COURT: Great. Thank you. Please be seated. And we're ready for the jury.

MR. MAIMON: So before we bring in the jury, Your Honor.

THE COURT: Yeah.

MR. MAIMON: So pursuant to the correspondence that we had yesterday afternoon, the video deposition of former Governor Snyder is going to be played today. There were -- we've had some technical difficulties.

THE COURT: Oh, I see.

MR. MAIMON: So I believe that we have resolved all of the issues. What's played to the jury has to faithfully adhere to what the Court's rulings are. And given some of the difficulties in the past, we're taking a close look at it.

1 THE COURT: Of course.

2 MR. MAIMON: I noticed two things in Volume I, which  
3 lasts three hours. So Ms. Devine indicated that those were  
4 going to be taken care of, but I'm just making for  
5 confirmation to make sure they're not in what's actually going  
6 to be played and they've actually made it from an attorney  
7 saying, "Yeah, we're going to take care of that," to actually  
8 being taken care of.

9 THE COURT: Right.

10 MR. MAIMON: That's three hours.

11 Last night, both LAN emailed finding a significant  
12 number of problems in Volume II of the -- of what's going to  
13 run. That's an hour and 14 minutes. We have to take a look  
14 at that this morning before it actually gets shown to the  
15 jury.

16 Because at this point, we just can't consent to  
17 showing something that doesn't faithfully adhere to the  
18 Court's rulings.

19 THE COURT: Okay.

20 MR. MAIMON: So as soon as we have confirmation that  
21 what was supposed to happen in Volume I is out, we'll be  
22 ready.

23 THE COURT: Well, we're waiting for two jurors right  
24 now.

25 MR. MAIMON: I'm just waiting for a new report that

1 shows exactly what's going to be shown to the jury.

2 THE COURT: Okay.

3 MR. CAMPBELL: So, Your Honor, the issue is  
4 translating Your Honor's comments from the sheets --

5 THE COURT: Yeah.

6 MR. CAMPBELL: -- into the -- and to get it correct.

7 THE COURT: Of course.

8 MR. CAMPBELL: It's a process. It's hard.

9 But on Volume I, we believe that we've corrected --  
10 it's two lines, I think, that were corrected. I just ask that  
11 the clip report for Volume I be sent over. It should be here  
12 in a few minutes.

13 MR. MAIMON: Even if it's emailed, I can look on my  
14 computer.

15 MR. CAMPBELL: Even if it's emailed, we can do it.

16 THE COURT: Okay.

17 MR. CAMPBELL: So I will follow with that.

18 Volume II, I didn't appreciate the issues, but people are  
19 working on it. I mean, we have three hours of Volume I. And,  
20 you know, the worst thing that could happen is we'll have to  
21 take a break and make sure that Volume II, which is a little  
22 more than an hour, is fixed.

23 MR. MAIMON: I mean, I'm willing -- it would be my  
24 preference that this would all be taken care of before we're  
25 presenting --

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1 THE COURT: That's all of our preferences, but --

2 MR. MAIMON: It would also be my preference if I  
3 could watch the video as it's being shown instead of working  
4 on Volume II. I'm willing to do it because --

5 THE COURT: Yeah.

6 MR. MAIMON: -- but we need to get this moving. But  
7 in the future, we really should be ahead of the curve instead  
8 of behind.

9 MR. CAMPBELL: Well, we just got it, Judge,  
10 yesterday. So we're pretty ahead of the curve trying to get  
11 this done, you know. That's where we're at.

12 THE COURT: I think you got it Sunday. But still.

13 MR. CAMPBELL: I thought -- I don't know.

14 THE COURT: I mean, I finished it. And I know from  
15 my side, it was all sent out but on Sunday. But still, that's  
16 not a lot of time to do what needs to be done. And I'm  
17 sensitive to that having sat where all of you are sitting in  
18 the past. And so --

19 MR. KENT: And, Judge, if I may.

20 THE COURT: Yeah.

21 MR. KENT: Mr. Maimon correctly said that the bulk of  
22 the questions about Volume II come down to the LAN issues.

23 THE COURT: Oh.

24 MR. KENT: And I was looking at it late last night.  
25 It didn't become apparent until we saw the clip report of the

1 designations. And it appears there was a confusion that was  
2 created in part by the way that we submitted our objections  
3 and in part by our interpretation of your rulings.

4 Which we did not appreciate until we saw the clip  
5 report.

6 THE COURT: Okay.

7 MR. KENT: I think both sides, both of us interpreted  
8 things differently.

9 THE COURT: See, sometimes the designations seem to  
10 be one or two lines off. And I try to -- or it's yellow, and  
11 it's not in either green or blue, so --

12 MR. KENT: Right. And --

13 THE COURT: -- yet there's an objection. And so I  
14 just try to do my best.

15 MR. KENT: And I can tell you if I can have just  
16 about a minute to identify what the issue appears to have  
17 been.

18 THE COURT: Okay. Oh.

19 MR. KENT: Because it repeats multiple times --

20 THE COURT: Oh, okay.

21 MR. KENT: On the LAN portion of Volume II.

22 THE COURT: Let's see.

23 MR. KENT: Which was in the matrix. When the LAN  
24 objections were noted in the matrix, we put a pinpoint  
25 citation to the page line where our form objection was made --



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1 THE COURT: I saw that and I thought --

2 MR. ERICKSON: -- and then we provided the details  
3 for what the form was. It appears that you thought we were  
4 objecting to our objection.

5 THE COURT: Well --

6 MR. ERICKSON: -- and so you scratched it through as  
7 not designated. Our reviewers saw that and said, "Oh, good."  
8 Somehow in the course of everyone submitting revised  
9 designations, those pages were deleted. They were not  
10 designated, even though we thought they were.

11 And the result was when we saw the clip report last  
12 night, we're like, "Well, what are these doing there, because  
13 they're not designated testimony."

14 So we spent quite a bit of time. And I wasn't the  
15 one who did all the designations, so I'm like -- I'm trying to  
16 figure this out.

17 MR. STERN: So I have to --

18 MR. KENT: I have figured it out. So what shows up  
19 in the clip report is that the objections are not designated,  
20 so they're not played. The surrounding testimony to which the  
21 objection was made --

22 THE COURT: But now I need to rule on --

23 MR. KENT: -- is there.

24 THE COURT: Stop. I need to rule on the surrounding  
25 testimony now.

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1 MR. KENT: That's -- that's the point of it all.

2 MR. MAIMON: So I don't think we can get this done  
3 today.

4 MR. KENT: Well, I'm just trying to explain what the  
5 issue is, is all I'm trying to do.

6 THE COURT: Okay. No. I appreciate -- Mr. Kent, I  
7 appreciate your explanation.

8 And I think what I'll do in the future is the first  
9 time I see something that doesn't look right, I'll just send  
10 it back. I won't try to make sense of it myself. That's not  
11 -- that didn't work.

12 MR. KENT: And we should have -- our reviewers, when  
13 they saw it, they should have said, "Wait, what does this  
14 mean" --

15 THE COURT: That's okay.

16 MR. KENT: -- as opposed to thinking that we miss  
17 designations.

18 MR. MASON: Okay. What's the bottom line then? We  
19 need to have Your Honor make some rulings, right?

20 MR. KENT: Right.

21 THE COURT: Mr. Stern has an idea.

22 MR. STERN: I don't have an idea.

23 THE COURT: Oh.

24 MR. STERN: I just have a question.

25 THE COURT: Okay.

1 MR. STERN: Does that mean that there's designations  
2 -- we went painstakingly through the other designations from  
3 the other parties. And I don't know if now what -- I can't  
4 understand. No disrespect. I don't know what we're talking  
5 about.

6 But do I need to or do we need to now look at the new  
7 designations and see if we have objections to them before Her  
8 Honor rules?

9 MR. MAIMON: I don't think so. But I think in  
10 fairness --

11 THE COURT: This is all off -- let's go off the  
12 record. We don't need to have all this mess.

13 (Off The Record)

14 THE COURT: Let's go back on the record. Our jurors  
15 are here. I just have to say, again, for the record, they're  
16 amazing. We haven't had a single day where a juror just gets  
17 sick or just gets a car problem and doesn't show up, and we  
18 have to go home and people, etcetera. So I just want to say  
19 that.

20 I heard yesterday, I think Leslie let you know from  
21 Mr. Lennon who represents former Governor Snyder that he was  
22 not a part -- which is what we thought -- what at least I  
23 thought yesterday -- of the Michigan Supreme Court decision  
24 that related to other criminally charged individuals related  
25 to the Flint Water Crisis.

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1 And I think his lawyer indicated that they'll be  
2 seeking similar relief. But as of now, that is in the works.

3 So as of today, when we're about to have his video  
4 testimony, at least Volume I, he is charged with two  
5 misdemeanors, is it? One? Two?

6 MR. STERN: One.

7 MR. MASON: Two.

8 THE COURT: One. Two. One or two misdemeanors.

9 So I will read the same thing that I have read  
10 regarding Ambrose, Croft, and Earley.

11 My only question for you is: Were Ambrose, Croft,  
12 and Earley, felony charges and this is a misdemeanor? Is  
13 there --

14 MR. CAMPBELL: I know that Ambrose -- I think  
15 Mr. Ambrose has one felony charge.

16 THE COURT: I do, too.

17 MR. CAMPBELL: As to Earley -- and Mr. Earley and  
18 Mr. Croft, I can't say.

19 THE COURT: Okay. I'll just say, "crime." I just  
20 didn't know whether it was worth distinguishing in any way.

21 The other thing I gave some thought to is our  
22 discussion, my ruling yesterday regarding whether these  
23 individuals take the Fifth in front of the jury or I read this  
24 to them. And I guess we all have our own perspectives.

25 But from my perspective , I think informing the jury

1     that these individuals are criminally charged has a greater  
2     cloud over the individuals, the witnesses' testimony, than  
3     saying, "You know, they're exercising their constitutional  
4     right to remain silent. They may or may -- they're never  
5     going to learn from the deposition testimony that they have  
6     criminal charges."

7             And so from my perspective, this is more favorable to  
8     VNA and LAN than having the witness take the Fifth. But  
9     that's neither here nor there.

10            Apparently you disagree.

11            MR. CAMPBELL: Your Honor, on that point, we believe  
12     that given Your Honor's ruling, which we disagree with,  
13     regarding taking the Fifth Amendment and advising the jury  
14     that these witnesses choose to exercise their right not to  
15     incriminate themselves, we understand that Your Honor is not  
16     going to permit that to take place in front of the jury.

17            However, in order to make these witnesses  
18     unavailable, they need to assert the Fifth. The jury was told  
19     that they may be back to testify. That was in contemplation  
20     of coming back to assert the Fifth in front of the jury.

21            THE COURT: It was in contemplation of the Sixth  
22     Circuit ruling during the time of our trial so that either --  
23     you're exactly right.

24            Either they would come back and testify and answer  
25     questions, because the Sixth Circuit determined that --

1 affirmed the decision that they had waived that right. Or  
2 you're right.

3 At that time, prior to all of your briefing and my  
4 opportunity to read it and study it, both the Court of Appeals  
5 briefing and the trial court briefing, that is what I  
6 anticipate.

7 MR. CAMPBELL: Right. And, Your Honor, what I was  
8 saying is that they were going to come back based upon  
9 numerous comments from Your Honor through the course of the  
10 trial that they would absolutely take the Fifth in front of  
11 the jury.

12 That's -- was my understanding of why they may come  
13 back. And certainly, if the Sixth Circuit had decided that  
14 was part of the mix, as well. But it was to come back and  
15 assert the Fifth in front of the jury in the event the Sixth  
16 Circuit hadn't ruled.

17 I understand where we're at on that issue now.  
18 Again, we disagree with that. But we request that Your Honor  
19 advise -- now that they're not coming back. The reason why  
20 they're not coming back is because they've asserted their  
21 right not to incriminate themselves pursuant to the Fifth  
22 Amendment, and the jury should be told that's the reason.

23 The issue about the statement that you read after --

24 THE COURT: Oh, told about Earley, Croft, and Ambrose  
25 not coming back?

1 MR. CAMPBELL: Yes, yes. And that they -- and the  
2 reason for that is they are unavailable, because they've  
3 asserted their Fifth Amendment rights. And that -- we believe  
4 that should be done in front of to have jury.

5 But we also in the absence of that, Your Honor should  
6 advise Your Honor that's why they're not going to testify.

7 The issue with this statement that you read has to do  
8 with the credibility issue of being under the cloud of an  
9 indictment when they gave their testimony. The two issues are  
10 different.

11 THE COURT: Okay.

12 MR. CAMPBELL: S that's our position.

13 THE COURT: Let me give it some thought. I don't  
14 want to hear argument now, because the -- well, you can argue  
15 until the jury is here.

16 MR. MASON: We join in that, just so the Court  
17 understands. We object to -- we don't agree with the Court's  
18 prior ruling, but we do agree this alternative proposal.

19 MR. MAIMON: So we never agreed to the Court telling  
20 the jury that they're under indictment. We understand the  
21 Court's ruling. We understand the Court's going to do that.

22 But Mr. Campbell is wrong in that if the Sixth  
23 Circuit reverses -- affirms Your Honor, there's a chance that  
24 they come in and answer questions, because they can no longer  
25 assert their Fifth Amendment right.

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1 THE COURT: Are you telling me we're going to be here  
2 in September, October?

3 MR. MAIMON: I sure hope not.

4 THE COURT: Okay.

5 MR. MAIMON: But I'm just saying that there's a  
6 motion to expedite, and there's this without oral argument  
7 that's pending in front of the Sixth Circuit. They haven't  
8 ruled on that motion. It's conceivable. I would -- in my  
9 view, unlikely. But it's conceivable that they do.

10 I don't think that it's proper for the Court to tell  
11 the jury that it was wrong and they're not coming back. I  
12 think the Court has instructed the jury with regard to  
13 Mr. Croft, Mr. Ambrose, and Mr. Earley already.

14 We understand the Court's going to give a like  
15 instruction with regard to former Governor Snyder.

16 And for the same reasons, quite frankly, that it  
17 would be inappropriate in our view for them to take the Fifth  
18 in front of the jury, it's the same reasoning, the same logic  
19 about probative value and prejudice and so forth applies to  
20 informing the jury.

21 Because then you'd have to start giving instructions  
22 about the presumption of innocence and the rights of Fifth  
23 Amendment in the United States and what it means. But we  
24 believe that it's inappropriate.

25 THE COURT: Okay.



1 MR. MAIMON: But we understand we're not arguing now,  
2 even though we all did.

3 THE COURT: All right. Nope. Because the jury is  
4 coming in.

5 THE CLERK: All rise for the jury.

6 THE COURT: I like your mask today. It's a colorful  
7 one. Hello. Well, good morning to the jury. Welcome back.

8 (Jury In)

9 THE COURT: It is cloudy now, but I believe it's  
10 supposed to get sunny by the time you leave here.

11 And oh, please be seated.

12 And we might actually be breaking early today. We --  
13 obviously you're here. You didn't get a phone call from us.  
14 We have some testimony but not as much as we thought we would  
15 have today. So we'll see how far that takes us and go from  
16 there.

17 But just be aware, we might break early today and  
18 then be back right on time -- no. Tomorrow I'd like you to  
19 show up at 9:00. Okay. We'll have some matters we'll take  
20 care of between 8:30 and 9:00, and that way you won't be  
21 waiting for us.

22 So, Mr. Campbell, do you have a witness you wish to  
23 call?

24 MR. CAMPBELL: We do, Your Honor. Good morning,  
25 again.

1 Good morning, ladies and gentlemen.

2 At this time, we would call former Governor Richard  
3 Snyder to testify by way of video.

4 THE COURT: Okay. Thank you, Mr. Campbell.

5 So once again, we're going to have a witness testify  
6 by video. And that will be Michigan's former Governor Snyder.  
7 And I want to let you know something about this particular  
8 video that I've mentioned about some others.

9 That at a later date after Governor Snyder sat for  
10 his deposition and gave this testimony, he was criminally  
11 charged related to the Flint Water Crisis, and he has not had  
12 a trial, and he has not been convicted. So I just want you to  
13 have that in mind, and we can get started.

14 (Recorded Deposition of Richard Snyder Played)

15 (Jury Out)

16 THE COURT: Just for one second. Please be seated.  
17 Thursday, July 21, Ann Arbor starts a street art fair that  
18 will take over not Fifth, not Division, but -- and also not  
19 Fourth. But all of Liberty and all of Main Street, etcetera.  
20 So I'm curious -- I don't know if we'll still be in session  
21 July 21.

22 What do you think, Mr. Mason?

23 MR. MASON: I would hope not, but I would expect that  
24 we would be.

25 THE COURT: Okay. So I just want you to think during

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1 the break about whether we should adjourn for that day.  
2 Jurors can get in at, you know, 8:15, 8:30. They can --  
3 parking becomes a little restricted right around here. But I  
4 think they could find parking.

5 So I'll just ask you to think about it, and let me  
6 know later today.

7 MR. STERN: We've thought about it, and we do not  
8 think we should be off that day.

9 THE COURT: You want to be in session?

10 MR. STERN: We do.

11 THE COURT: Okay.

12 MR. CAMPBELL: Your Honor, I have a note that there  
13 was a juror request for July 12.

14 THE COURT: Oh. Let me look on our calendar. That  
15 may have been the case. I don't have it noted on the  
16 calendar, but we can find out today.

17 MR. CAMPBELL: I remember when you raised it. You --  
18 it was vague. So perhaps you should inquire if that's okay.

19 THE COURT: Okay. Okay. So everyone else will think  
20 about the 21st.

21 MR. CAMPBELL: Yes, Your Honor. And we have one hour  
22 and 46 minutes left.

23 THE COURT: Oh, okay. All right. Well, I should let  
24 the jury -- I thought it was like one hour 46 altogether,  
25 somewhere around there.

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1 MR. CAMPBELL: No. That's for Volume I. And  
2 Volume II is just under one hour and -- well, it was,  
3 depending upon whatever we have.

4 THE COURT: All right. Thank you.

5 MR. MAIMON: So can we just -- so it seems to me that  
6 we're going to finish Volume I of Governor Snyder today.

7 THE COURT: Yes.

8 MR. MAIMON: It seems to me that LAN is then going to  
9 send us what they believe needs to be ruled upon --

10 THE COURT: Speak into the microphone.

11 MR. MAIMON: I'm sorry. It seems to me that at some  
12 point today, LAN will get to us what they believe needs to be  
13 ruled on with regard to Volume II. And once we -- once we've  
14 had a chance to look at that, that can be submitted to the  
15 Court.

16 I don't know when that's going to happen. And I  
17 don't know whether or not the Court is going to be able to  
18 turn around rulings on those specific issues this evening so  
19 as to allow us to finish Governor Snyder's deposition  
20 tomorrow.

21 But we should -- again, we should be -- in my view,  
22 we should be aware and sensitive to sending the jury away for  
23 a day and not knowing whether or not we're going to have  
24 evidence for them tomorrow.

25 THE COURT: Just a minute.

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1 MR. MASON: This shouldn't be a problem. We're  
2 working diligently on it. We'll have it to you this afternoon  
3 to rule on.

4 MR. MAIMON: But we have to have a chance to look at  
5 it.

6 MR. MASON: I understand.

7 MR. MAIMON: Okay.

8 MR. MASON: And we will do that. But I still believe  
9 we should be fine with playing it in the morning.

10 THE COURT: I have hearings this afternoon. But I  
11 should be able to -- I don't think it's a great deal of  
12 material.

13 MR. MASON: Correct.

14 THE COURT: It's ten pages or something.

15 MR. MAIMON: Again, we have no idea. So we need to  
16 see it. I just don't want to promise that we --

17 MR. MASON: Our hope is to give it to you if we are  
18 going to adjourn before your hearings this afternoon.

19 THE COURT: Okay.

20 MR. MASON: So that we can -- and, of course, we'll  
21 get it to Mr. Maimon, so he can look at it first.

22 THE COURT: I know you will.

23 MR. MAIMON: I appreciate it.

24 THE COURT: And when you send it, could you just send  
25 the volume of the deposition properly marked at the same time,

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1 so I don't have to go searching back to the old one that's not  
2 marked?

3 MR. MASON: Happy to do that, Your Honor.

4 THE COURT: Thank you. All right. That's it. We'll  
5 take a break.

6 (Brief Recess)

7 THE COURT: Okay. Please be seated. Okay. This is  
8 what I learned from our amazing jurors. Which is on July 12,  
9 we just have to end by noon. So we'll be here. We'll end by  
10 noon on July 12.

11 The art fair, the jurors are entirely available to be  
12 here. They had a little concern about whether there'd be  
13 extra traffic leaving that day. Some of our jurors are  
14 squeaking into work when we end at 2:00 o'clock. They're  
15 rushing to get to their jobs.

16 So we all agreed that if we ended at 1:30 on the  
17 21st, we could -- everybody could get to work, even if the  
18 traffic patterns are different and more congested.

19 I also confirmed that there are two jurors who  
20 absolutely have prepaid vacations the first week of August.  
21 So I promised them that we would not be in session August 1,  
22 2, 3, or 4.

23 MR. MASON: There were no conflicts with the next  
24 week though, correct?

25 THE COURT: No one mentioned any. Okay. Let's get

1 the jury, Leslie. Thank you. And I let them know we have an  
2 hour and 45 more minutes today.

3 THE CLERK: All rise for the jury.

4 (Jury In)

5 THE COURT: Welcome back.

6 And please be seated. And we will return to  
7 Governor Snyder's testimony.

8 (Recorded Deposition of Richard Snyder Played - Continued)

9 THE COURT: Okay. Well, thank you, very much. And  
10 that will conclude today's testimony from Governor Snyder.

11 There was one reference that I wanted to draw your  
12 attention to. At one point -- I think it was Mr. Stern was  
13 asking questions, and he mentioned somebody by the name of  
14 Justice Clement. That person is a justice now but was not a  
15 justice on those -- at the time of those emails.

16 So as lawyers, we often refer to people who are in  
17 those positions on the Supreme Court by the title they have  
18 now. But at the time of the questioning, I think it's  
19 Elizabeth Clement was not a justice, so.

20 MR. STERN: I was just -- yeah.

21 MR. MASON: I think, too, Your Honor, the Viola Davis  
22 is a terrific actress. But not Veolia.

23 THE COURT: Right. When Mr. Leopold was saying,  
24 "Viola," he was missing a syllable in there. So -- but it was  
25 Veolia. VNA.

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1                   Okay. Well, what we'll do is begin at 9:00 A.M.  
2                   tomorrow for the jury. And we will see you then. So enjoy  
3                   the rest of the afternoon.

4                   THE CLERK: Please rise for the jury.

5   (Jury Out)

6                   THE COURT: Okay. Please be seated, or do whatever  
7                   you want to do.

8                   MR. CAMPBELL: Your Honor?

9                   THE COURT: Oh, okay.

10                  MR. CAMPBELL: In connection with upcoming issues  
11                  that may involve your or require your input or rulings, we  
12                  intend to submit to the Court a highlighted copy of the  
13                  amended complaint. And consistent with the -- that it being a  
14                  judicial admission, we would plan to read portions of the  
15                  amended complaint.

16                  I know there was going to be an objection to that.  
17                  But wanted to get it to you, highlight it, show you and  
18                  counsel exactly what we intend to read. And before we end our  
19                  case. So I wanted to -- we wanted to get it to you by  
20                  tomorrow.

21                  THE COURT: And who would read it?

22                  MR. CAMPBELL: I think I would read it.

23                  THE COURT: Oh, okay. And you'll respond.

24                  MR. MAIMON: We will when we get it.

25                  THE COURT: Okay.



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1 MR. CAMPBELL: And then I just -- travel this weekend  
2 is a problem, Your Honor. I have -- I request that on  
3 Tuesday, March 5, that we start --

4 THE COURT: July.

5 MR. CAMPBELL: Yeah. March, September -- I said,  
6 "January," the other day. As we all know, I have an issue  
7 with that.

8 THE COURT: Yes.

9 MR. CAMPBELL: I don't know why, but I do.

10 THE COURT: That's all right.

11 MR. CAMPBELL: I come out with the wrong words  
12 sometimes.

13 THE COURT: I do, too.

14 MR. CAMPBELL: So Tuesday, July --

15 THE COURT: 5th.

16 MR. CAMPBELL: -- 5, I would request that we start  
17 the trial at 10:00 A.M. instead of 8:30.

18 THE COURT: Okay.

19 MR. MAIMON: I think it should depend on what we're  
20 doing. Because if we're simply continuing videotape, I don't  
21 think we need to lose the time. As much as I think that it  
22 would be great to have Mr. Campbell here. If there's a live  
23 witness that he's putting on, then I understand only fairness  
24 dictates that he be here. But if somebody else is putting on  
25 a witness that's going to be here, I don't -- I think that we

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1 could use the hour-and-a-half time to move forward.

2 THE COURT: Let me find out.

3 Mr. Campbell.

4 MR. CAMPBELL: Yes.

5 THE COURT: If we have a video running on the 5th,  
6 and I agree not to have any other issues, any oral argument on  
7 legal issues --

8 MR. CAMPBELL: That would be fine.

9 THE COURT: Okay.

10 MR. CAMPBELL: I just don't know what we're doing.  
11 And we accommodated the plaintiffs so many times --

12 THE COURT: I know you did.

13 MR. CAMPBELL: -- for three and a half months. Just  
14 once I thought they might accommodate me --

15 THE COURT: Yeah.

16 MR. CAMPBELL: -- but I understand. Thank you, Your  
17 Honor.

18 MR. MAIMON: We'd like to.

19 MR. CAMPBELL: No, you don't.

20 THE COURT: Right. Let's just see. I'd like to  
21 also. But it occurs to me if we have nothing other than a  
22 video, and I agree, and we'll stick to it that there not be  
23 any legal argument until you're in the courtroom. So let's  
24 just see. And I have no problem with starting at  
25 10:00 o'clock on the 5th. Okay. Thank you.

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1 MR. MAIMON: Thank you, Your Honor.

2 MR. MASON: By the way --

3 THE COURT: Oh.

4 MR. MASON: My colleague who's not in the courtroom  
5 but was working on that issue --

6 THE COURT: Yeah.

7 MR. MASON: -- submitted to the Court at the same  
8 time to plaintiffs' counsel the correction of this issue. So  
9 it's already in play. I recognize I intended -- it was my  
10 intent that it go to Mr. Maimon first.

11 But I thought my colleague had heard on Zoom that  
12 fact. So my apologies to him. I believe Ms. Calhoun has  
13 indicated and corrected that that was the case. So Mr. Maimon  
14 now has what he needs to weigh in, and I believe it can be  
15 done in an orderly fashion.

16 Additionally, I think you now have the Workman  
17 matrix.

18 THE COURT: I do.

19 MR. MASON: So we should be hopefully good to go  
20 tomorrow.

21 THE COURT: Okay.

22 MR. MAIMON: So I did commit to as soon as we're --  
23 as soon as we're done here, I'm going to run back to my hotel  
24 room --

25 THE COURT: Okay.

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1 MR. MAIMON: -- and start working on the Snyder  
2 designations to get those to Your Honor recognizing that Your  
3 Honor has some hearings this afternoon and will turn her  
4 attention to that after.

5 THE COURT: Yes.

6 MR. MAIMON: Thank you.

7 THE COURT: Do you have a preference between Edwards  
8 and Workman?

9 MR. CAMPBELL: Workman definitely first, Your Honor.

10 THE COURT: Okay.

11 MR. CAMPBELL: Definitely. We need to understand how  
12 you've ruled on Edwards and make a determination.

13 THE COURT: Right. Okay. Thank you.

14 MR. CAMPBELL: And I think Workman, you know, if we  
15 can get everyone's input and yours, we might even be able to  
16 turn it around for tomorrow and fill that time. That's what  
17 I'm hoping.

18 THE COURT: Okay.

19 MR. MAIMON: Well, we'd like that also. But given  
20 the past experience, we're not going to agree to anything  
21 being shown until we get a clip report and know that it  
22 faithfully adheres to the Court's rulings.

23 THE COURT: Okay.

24 MR. MASON: And I would just remind the Court of the  
25 testimony today of Governor Snyder and what was asked about

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1 reliance on Mr. Edwards as the Court concludes her review --

2 THE COURT: Yes.

3 MR. MASON: -- Your Honor's review of what we'll be  
4 able to play for him. Thank you.

5 THE COURT: Okay. Thank you.

6 (Proceedings Concluded)

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9 CERTIFICATE OF OFFICIAL COURT REPORTER

10 I, Jeseca C. Eddington, Federal Official Court  
11 Reporter, do hereby certify the foregoing 29 pages are a true  
12 and correct transcript of the above entitled proceedings.

13 /s/ JESECA C. EDDINGTON  
14 Jeseca C. Eddington, RDR, RMR, CRR, FCRR

06/29/2022  
Date

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